

**THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER
BOARD OF VARIANCE HEARING MINUTES
VIA ELECTRONIC COMMUNICATION FACILITIES
WEDNESDAY, MAY 18, 2022**

BOARD MEMBERS: Chair L. Radage and Members J. Elwick, D. Simmons, and R. Yaworsky attended the hearing via electronic communication facilities.
Absent: Member S. Abri.

STAFF: P. Cuk, Board Secretary; M. McGuire, Senior Manager, Current Planning & Urban Design; and S. McSherry, Supervisor of Inspections, attended the hearing via electronic communication facilities.

1. Call to Order

The hearing was called to order at 5 p.m.

2. Introduction

Staff introduced the Board Members and described the hearing procedure.

3. Confirmation of the Agenda

It was Moved and Seconded:

THAT the May 18, 2022 Board of Variance hearing agenda be approved as circulated.

CARRIED

4. Adoption of the April 20, 2022 Minutes

Chair Radage referred to the minutes of the Board of Variance hearing held on April 20, 2022.

It was Moved and Seconded:

THAT the April 20, 2022 Board of Variance hearing minutes be adopted as circulated.

CARRIED

5. Time Limit of Board of Variance Orders

Chair Radage read out the following statement regarding Time Limit of Order Approving a Variance and noted that the time limit applied to each application approved by the Board:

“Pursuant to section 542 of the *Local Government Act*, if a Board of Variance orders that a minor variance be permitted from the requirements of the bylaw, and the Order sets a time limit within which the construction of the building or structure must be completed, and the construction is not completed within that time, the permission of the Board terminates and the bylaw applies. Orders of this Board of Variance that permit a variance specify that: if construction is not substantially started within 6 months of the issuance of the Building Permit, the permission terminates and the Zoning Bylaw applies; AND FURTHER THAT in the event the Owner is delayed or interrupted or prevented from obtaining a Permit by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the owner, the time for obtaining a Permit shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial consideration of the Owner shall not be viewed as a cause beyond the control of the Owner.”

6. Application 22-008 (4190 Rose Crescent)

Staff confirmed the following requested variances regarding a proposed private power pole (accessory structure):

- a) 0.87 m to Front Yard Setback
- b) 3.92 m to Accessory Structure Height.

Staff informed that no written submissions were received for this application prior to the Board of Variance hearing.

Written submissions received:

| SUBMISSION AUTHOR | SUBMISSION DATED | # |
|-------------------|------------------|---|
| None. | | |

Staff provided permit history of the subject property.

T. DiDonato (Envision Improvements, representing the owner of 4190 Rose Crescent) described the variance application for a proposed private power pole (accessory structure).

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that no one else had signed up to address the Board regarding the subject application.

Members of the Board considered:

- All of the submissions;
- Whether the application was for a minor variance that did not
 - result in inappropriate development of the site

- adversely affect the natural environment
- substantially affect the use and enjoyment of adjacent land
- vary permitted uses and densities under the applicable bylaw; or
- defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated April 12, 2022, including the applicant's letter, plans and all other related documents, and having read the statutory Notice of Hearing for the subject application, and having inspected and/or viewed images of the subject site, and having heard the submission of T. DiDonato:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 22-008 regarding a proposed private power pole (accessory structure) at 4190 Rose Crescent with variances of:

- 0.87 m to Front Yard Setback
- 3.92 m to Accessory Structure Height

BE ALLOWED pursuant to the plans dated April 8, 2022 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within six months of the issuance of the Building Permit, the permission terminates and the Zoning Bylaw applies; AND FURTHER THAT in the event the Owner is delayed or interrupted or prevented from obtaining a Permit by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the owner, the time for obtaining a Permit shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial consideration of the Owner shall not be viewed as a cause beyond the control of the Owner.

CARRIED

7. Application 22-009 (1050 11th Street)

Staff confirmed the following requested variance regarding a proposed addition to the second floor:

- a) 3.2% (22.91 m²) to Addition to Second Floor.

Staff informed that the applicant had not yet entered the hearing, but that she had indicated her intention to attend in order to address the Board.

It was Moved and Seconded:

THAT consideration of Application 22-009 be deferred until after consideration of the other applications.

CARRIED

8. Application 22-010 (3312 Westmount Road)

Staff confirmed the following requested variances regarding a proposed power pole (accessory structure):

- a) 8.5 m to Front Yard Setback
- b) 0.7 m to Minimum Side Yard Setback
- c) 2.4 m to Accessory Building Height.

Staff provided permit history of the subject property.

J. Fan (3312 Westmount Road) described the variance application for a proposed power pole (accessory structure). J. Fan and staff responded to Board members' questions.

Staff informed of written submissions received for this application prior to the Board of Variance hearing.

Written submissions received:

| SUBMISSION AUTHOR | SUBMISSION DATED | # |
|-------------------|------------------|---|
| Redacted | May 10, 2022 | 1 |
| Redacted | May 10, 2022 | 2 |
| J. Fan | May 13, 2022 | 3 |
| Redacted | May 16, 2022 | 4 |
| J. Fan | May 18, 2022 | 5 |

Chair Radage queried whether anyone had signed up to address the Board regarding the subject application.

D. Marwig (3310 Westmount Road) spoke in opposition to the requested variances and commented regarding: the size of the proposed house; impermeable surfaces; views; and property values.

M. Reeve (3310 Westmount Road) spoke in opposition to the requested variances and commented regarding views.

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that no one else had signed up to address the Board regarding the subject application.

Members of the Board considered:

- All of the submissions;
- Whether the application was for a minor variance that did not
 - result in inappropriate development of the site

- adversely affect the natural environment
- substantially affect the use and enjoyment of adjacent land
- vary permitted uses and densities under the applicable bylaw; or
- defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated April 20, 2022, including the applicant’s letter, plans and all other related documents, and having read the statutory Notice of Hearing for the subject application, and having inspected and/or viewed images of the subject site, and having heard the submissions of J. Fan, D. Marwig, and M. Reeve:

It was Moved and Seconded:

THAT the Board finds that undue hardship would not be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 22-010 regarding a proposed power pole (accessory structure) at 3312 Westmount Road with variances of:

- 8.5 m to Front Yard Setback
- 0.7 m to Minimum Side Yard Setback
- 2.4 m to Accessory Building Height

BE NOT ALLOWED pursuant to the plans dated April 19, 2022 submitted with the application.

CARRIED

9. Application 22-011 (6226 St. Georges Avenue)

Staff confirmed the following requested variances regarding a proposed power pole (accessory structure):

- a) 8.34 m to Front Yard Setback
- b) 0.88 m to Minimum Side Yard Setback.

Staff informed of written submissions received for this application prior to the Board of Variance hearing.

Written submissions received:

| SUBMISSION AUTHOR | SUBMISSION DATED | # |
|-------------------|------------------|---|
| Redacted | May 10, 2022 | 1 |
| Redacted | May 18, 2022 | 2 |

Staff provided permit history of the subject property.

S. Mitchell-Ahmadi (6226 St. Georges Avenue) described the variance application for a proposed power pole (accessory structure) and responded to Board members’ questions.

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that no one else had signed up to address the Board regarding the subject application.

Members of the Board considered:

- All of the submissions;
- Whether the application was for a minor variance that did not
 - result in inappropriate development of the site
 - adversely affect the natural environment
 - substantially affect the use and enjoyment of adjacent land
 - vary permitted uses and densities under the applicable bylaw; or
 - defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated April 20, 2022, including the applicant's letter, plans and all other related documents, and having read the statutory Notice of Hearing for the subject application, and having inspected and/or viewed images of the subject site, and having heard the submissions of S. Mitchell-Ahmadi:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 22-011 regarding a proposed power pole (accessory structure) at 6226 St. Georges Avenue with variances of:

- 8.34 m to Front Yard Setback
- 0.88 m to Minimum Side Yard Setback

BE ALLOWED pursuant to the plans dated April 20, 2022 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within six months of the issuance of the Building Permit, the permission terminates and the Zoning Bylaw applies; AND FURTHER THAT in the event the Owner is delayed or interrupted or prevented from obtaining a Permit by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the owner, the time for obtaining a Permit shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial consideration of the Owner shall not be viewed as a cause beyond the control of the Owner.

CARRIED

7. Application 22-009 (1050 11th Street)

Staff confirmed the following requested variance regarding a proposed addition to the second floor:

- a) 3.2% (22.91 m²) to Addition to Second Floor.

Staff informed that no written submissions were received for this application prior to the Board of Variance hearing.

Written submissions received:

| SUBMISSION AUTHOR | SUBMISSION DATED | # |
|-------------------|------------------|---|
| None. | | |

Staff provided permit history of the subject property.

J. Lynch-Lawrenson and R. Lawrenson (1050 11th Street) described the variance application for a proposed addition to the second floor. Staff responded to Board members' questions.

Chair Radage queried whether anyone else had signed up to address the Board regarding the subject application. Staff informed that no one else had signed up to address the Board regarding the subject application and responded to a Board member's questions.

Members of the Board considered:

- All of the submissions;
- Whether the application was for a minor variance that did not
 - result in inappropriate development of the site
 - adversely affect the natural environment
 - substantially affect the use and enjoyment of adjacent land
 - vary permitted uses and densities under the applicable bylaw; or
 - defeat the intent of the bylaw; and
- Whether compliance with the bylaw would cause the applicant undue hardship.

Having read the application dated April 18, 2022, including the applicant's letter, plans and all other related documents, and having read the statutory Notice of Hearing for the subject application, and having inspected and/or viewed images of the subject site, and having heard the submissions of J. Lynch-Lawrenson and R. Lawrenson:

It was Moved and Seconded:

THAT the Board finds that undue hardship would be caused to the Applicant by compliance with the Zoning Bylaw and orders that Application 22-009 regarding a proposed addition to the second floor at 1050 11th Street with a variance of:

- 3.2% (22.91 m²) to Addition to Second Floor

BE ALLOWED pursuant to the plans dated January 3 and March 9, 2022 submitted with the application; AND THE BOARD FURTHER ORDERS THAT if construction is not substantially started within six months of the issuance of the Building Permit, the permission terminates and the Zoning Bylaw applies; AND FURTHER THAT in the event the Owner is delayed or interrupted or prevented from obtaining a Permit by reason of any Act of God, labour unrest (including strike and lockouts), weather conditions or any similar cause reasonably beyond the control of the owner, the time for obtaining a Permit shall be extended for a period equal to the duration of the contingency that occasioned the delay, interruption or prevention, provided that commercial or financial consideration of the Owner shall not be viewed as a cause beyond the control of the Owner.

CARRIED

10. Receipt of Written and Oral Submissions

It was Moved and Seconded:

THAT all written and oral submissions regarding the following Board of Variance Applications:

- Application 22-008 (4190 Rose Crescent);
- Application 22-009 (1050 11th Street);
- Application 22-010 (3312 Westmount Road);
- Application 22-011 (6226 St. Georges Avenue);

up to and including May 18, 2022, be received.

CARRIED

11. Public Question Period

There were no questions.

12. Next Hearing

Staff confirmed that the next hearing of the Board of Variance is scheduled for June 22, 2022 at 5 p.m.

13. Adjournment

It was Moved and Seconded:

THAT the May 18, 2022 Board of Variance hearing be adjourned.

CARRIED

The Board of Variance hearing adjourned at 5:51 p.m.

Certified Correct:

[Original signed by Chair]

CHAIR

[Original signed by Secretary]

SECRETARY